D.B. CIVIL SPECIAL APPEAL(W)NO.456/2006

Om Prakash
Vs.
State of Rajasthan & Ors.

Date of Order :: 10-11-2006

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri S.P. Sharma, for the appellant.

This special appeal is directed against the order of the learned Single Judge dated 13.4.2006 in SBCWP no.1460/2006 dismissing the writ petition of the appellant. The appellant had filed the writ petition seeking direction for his appointment on the post of Gram Sewak – cum - Ex Officio Secretary in the Gram Panchayat. The father of the appellant died in harness on the post of Gram Sewak on 14.3.1978 when the appellant was 17 years old. After he attained majority, he lodged claim for his appointment on compassionate ground. As no decision was being taken he approached this Court in writ petition no.1774/1991. Finally, pursuant to the direction of this Court, after contempt petition was filed, the appellant was appointed but on a Class IV post.

The case of the appellant is that the respondents had given undertaking to appoint him on the post of Gram Sewak in the light of which the

writ petition was disposed of, and therefore the appellant was entitled to appointment on the post of Gram Sewak.

The scope of compassionate appointment is now well known. Such appointments are made to provide financial help to the members of the bereaved family so that they are able meet the hardships caused by the unexpected and premature death of bread-earner. The appointment need not be made commensurate with academic qualification or on the same post held by the deceased government servant. Further, it has been held, once appointment is made on compassionate ground, the right gets exhausted and there cannot be second appointment on compassionate ground. In the instant case, it appears, the appellant was not appointed on the post of Gram Sewak as he did possess the requisite qualification. Be that as it may, we are satisfied that appointment on a Class Iv post having been made the appellant cannot claim any further indulgence.

We find no error in the order of the learned Single Judge dismissing the writ petition of the appellant. The appeal stands dismissed.

[MOHAMMAD RAFIQ],J. [S.N.JHA],CJ.

Praveen